



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,434	06/09/2000	Dean F. Jerding	A-6594	1996
5642	7590	11/21/2005	EXAMINER	
SCIENTIFIC-ATLANTA, INC. INTELLECTUAL PROPERTY DEPARTMENT 5030 SUGARLOAF PARKWAY LAWRENCEVILLE, GA 30044			BELIVEAU, SCOTT E	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/590,434

Applicant(s)

JERDING ET AL.

Examiner

Scott Beliveau

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 134-156 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 134-156 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 September 2005 has been entered.

Priority

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 134-156 of this application. In particular, the examiner cannot find support for the claim language of the independent claims such that the user is provided with an option as to whether or not to display promotional advertising which, responsive to the particular option selection, providing promotional advertisement responsive to a third user input (ex. pause). The provisional application makes references to a similar architecture as that utilized by the instant application, however, there does not appear to be an enabling disclosure pertaining to the particular usage of such in conjunction with the claimed combination of elements.

Drawings

Art Unit: 2614

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed subject matter of claims 134, 141, and 156 must be shown or the feature(s) canceled from the claim(s). In particular, the illustrations fail to illustrate the limitations of providing a selectable option to select whether the on-demand presentation is to be provided with or without promotional advertising. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

Art Unit: 2614

4. Applicant's arguments with respect to claims 134-156 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 134-140 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant's newly submitted claim 134, in connection with ordering a video presentation, sets forth "providing a user-selectable option to view a user-selected on-demand rentable video presentation without promotional advertising". Explicit support for providing an option to view a presentation without advertising (IA: Page 21, Lines 28-32). The provided examples, disclose that such advertisements may be provided at the start of movie or during the presentation of the video presentation. The claims further require that responsive to another user input associated with suspending the presentation that the user is provided with promotional advertising should the user have earlier selected (or not selected) the option so as to display promotional advertising. The specification, in connection with the functionality associated with providing promotional material during periods of inactivity discloses the

particular usage of such in connection with a screen saver embodiment wherein should the user pause the presentation for an extended period of time, playback is stopped, and a headend system operator configured screen saver is activated which may include among other things promotional advertising (IA: Page 29, Line 7 – Page 30, Line 13). The specification as originally filled, however, fails to provide an adequate written descriptive nexus between the ability to provide/prevent promotional material during the playback and the particular screen saver functionality. The two appear to be functionally separate and distinctive from one another. For example, the specification is silent as to the fact that the end user selected option to provide promotional advertising during the presentation serves to supplant the fact that the system operator has already configured the system to display a screen saver with advertisements in order to prevent screen burn-in effects.

7. Claims 141-156 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Newly submitted claims 141 and 156 set forth “providing a user option for a user to select whether the on-demand presentation is presented with promotional advertising [wherein] responsive to receiving a first user input indicating that the on-demand presentation is presented with promotional advertising, providing the on-demand presentation to the user”. Explicit support for providing an option to view a presentation without advertising (IA: Page 21, Lines 28-32); however, there does not appear to be a converse option disclosed or illustrated which is subsequently selected by the user as claimed.

Art Unit: 2614

8. Claim 150 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the examiner is unable to find an adequate written description such that the “one-demand presentation is transmitted repeatedly over a period of time to the STT”. The closest support appears to be found in connection with the BFS server [28] which delivers application data such as that associated with program listings or promotions is repeatedly transmitted (IA: Page 5, Lines 14-20).
9. Claim 152 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 152 sets forth that the “on-demand presentation is received over the first type of communication channel”. Claim 145 upon which claim 151 is dependent sets for that the “on-demand presentation is received over the second type of communication channel”. The claim language does not appear enabling such that the same on-demand presentation is being received by both the first and the second type of communication channel wherein the channels are different.

Claim Objections

10. Claim 151 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel

the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 145 sets forth that the “on-demand presentation is received over a second type of communication channel” and dependent claim 151 repeats that the “on-demand presentation is received over a second type of communication channel”.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 134, 136-144, 150, 153, 154, and 156 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US Pat No. 6,628,302) in view of Blahut et al. (US Pat No. 5,532,735).

In consideration of claim 134, the Figure 1 of the White et al. reference illustrates a “television set-top terminal (“STT”)” [14] “coupled to a server” [12] via a “bi-directional

communication network” [16]. The “set-top terminal” [14] comprises a “memory having program code stored therein” [40/42] (Col 3, Lines 1-8) and at least “one processor that is programmed by the program code to enable the STT” [38] (Col 2, Lines 63-67).

The system is operable to “receive via tuner in the STT media guide data corresponding to a media guide for on-demand rentable video presentations” (Col 3, Lines 28-40) and “provide a media guide presentation to a user via a television signal” (Figure 4) wherein the “media guide presentation comprises at least a portion of said media guide data corresponding to a plurality of user-selectable rental options for each one of the plurality of on-demand rentable video presentations in the media guide presentation” including those associated with billing options and the available programming (Col 4, Lines 12-38). In conjunction with selecting and ordering a presentation, the system “receives a first input corresponding to a selection of one of the plurality of on-demand rentable video presentations in the media guide presentation” whereupon various billing arrangements are established prior to the presentation of the requested presentation. The reference, however, is silent with respect to further details regarding billing arrangements such that the system further “configures a first rental option in the plurality of user-selectable rental options to provide a user-selectable option to view a user-selected on demand rentable video presentation without promotional advertising” which is subsequently utilized in connection with determining whether or not to provide advertisements when suspending the provision of the rentable video presentation as disclosed by White et al. and shall be further addressed.

In a related art pertaining to interactive video distribution systems and in particular providing advertisements in connection with video-on-demand presentations, Figure 5 of the

Blahut et al. reference discloses “configuring a first rental option . . . to provide a user-selectable option to view a user-selected on-demand rentable video presentation without advertising” such that the user is operable to adjust the billing based upon the level of advertising desired (Col 6, Lines 4-43). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to particularly “configure” and “provide a user-selectable option to view a user-selected on-demand rentable video presentation without advertising” for the purpose of providing viewers with the flexibility to determine the amount of advertising that they wish to view (Blahut et al.: Col 2, Lines 9-18).

Taken in combination, the White et al. reference, during the ordering process subsequent to “receiving a first user input corresponding to a selection of one of the plurality of on-demand rentable presentations”, would “provide the first rental option to the user responsive to the first user input” in association with the ordering process wherein the system “receives a second user input responsive to providing the first rental option” indicating the user’s desirability as to the amount of advertising presented. White discloses that it subsequently, “provides said one of the plurality of rentable presentations to the user” and is operable to “suspend the provision of the rentable video presentation and provide the user with promotional advertising” or other non-promotional material “responsive to [a] third user input” associated with pausing the presentation (Col 5, Lines 16-32). As previously noted, the Blahut et al. teaches that it is desirable so as to allow a user to control the amount of advertising presented. Accordingly, taken in combination, the references would “provide said one of the plurality of video presentations to the user without promotional advertising

responsive to the second user input corresponding to the selection of the first rental option” such that during suspensions or other periods of time non-promotional material may be presented (ex. quizzes, other entertainment, indication of waiting email, etc.). Similarly, “responsive to the second user input corresponding to other than the selection of the first rental option” indicating a willingness to view promotional advertising, the system would “provide said one of the plurality of rentable video presentations to the user”, as aforementioned, and “responsive to [a] third user input” corresponding to either a stop or pause command, the system would “suspend the provision of the rentable video presentation and provide the user with promotional advertising” as set forth in White et al.

Claims 136-138 are rejected wherein the “promotional advertising corresponds to logos” or “brands”, or “marks provided to the user with said one of the plurality of rentable video presentations such as those associated with Coca-Cola™ or other products [72] illustrated in Figure 4.

Claims 139 and 140 are rejected wherein “providing said one of the plurality of rentable video presentations without promotional advertising is further responsive to an indication in the media guide data that the first rental option is enabled” or “is enabled for said one of the plurality of rentable video presentations” such that if the “option” was not enabled or provided as a part of the interface so as to select then it would not be presented to the user in view of the combined references.

Claims 141 and 156 are rejected in light of the aforementioned combination of White et al. and Blahut. As aforementioned, Figure 1 of the White et al. reference illustrates a “television set-top terminal (“STT”)” [14] “coupled to a server” [12] via a “bi-directional

communication network” [16]. The “set-top terminal” [14] comprises a “memory having program code stored therein” [40/42] (Col 3, Lines 1-8) and “at least one processor that is programmed by the program code to enable the STT” [38] (Col 2, Lines 63-67) and is operable to implement a corresponding “method”.

The system is operable to “receive media guide data related to an on-demand presentation” (Col 3, Lines 28-40) and “provide a media presentation to a user . . . being related to the on-demand presentation . . . [and] comprising at least a portion of the media guide data” (Figure 4). In conjunction with ordering, as aforementioned, White et al. is silent with respect to further “providing a user option to select whether the on-demand presentation is presented with promotional advertising”.

In a related art pertaining to interactive video distribution systems and in particular providing advertisements in connection with video-on-demand presentations, Figure 5 of the Blahut et al. reference discloses that it is known and desirable to “providing a user option to select whether the on-demand presentation is presented with promotional advertising” such that the user is operable to adjust the billing based upon the level of advertising desired (Col 6, Lines 4 – 43). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to particularly “providing a user option to select whether the on-demand presentation is presented with promotional advertising” for the purpose of providing viewers with the flexibility to determine the amount of advertising that they wish to view (Blahut et al.: Col 2, Lines 9-18).

Taken in combination, the system “responsive to receiving a first user input the ordering process to “receiving a first user input corresponding to a selection of one of the plurality of

on-demand rentable presentations” would “provide the first rental option to the user responsive to the first user input; and responsive to receiving a second user input, suspend the on-demand presentation and provide the user with promotional advertising” in accordance with the user’s desired level of advertising (White et al.: Col 5, Lines 16-32).

Claim 142 is rejected wherein the “promotional advertising data comprises graphics” [72] (White et al.: Figure 4).

Claim 143 is rejected wherein the “promotional advertising data” [72] corresponds to “merchandise being provided by an entity other than an entity that is providing the motion video presentation” wherein the advertised soft-drink Coke™, as illustrated in White et al., is not provided by the broadcast provider.

Claim 144 is rejected wherein the “at least one processor . . . enables trick-mode functionality to be implemented in connection with said one of the plurality of motion video presentations” (White et al.: Figure 5).

Claim 150 is rejected wherein White et al. reference discloses that the “on-demand presentation is transmitted repeatedly over a period of time to the STT” in conjunction with stopping and restarting the presentation during a given period of time (Col 5, Lines 33-45).

Claim 153 is rejected in light of the aforementioned wherein the “providing of the promotional advertising by the STT is responsive to a user input corresponding to activation of the media guide presentation” associated with ordering of a particular movie. For example, assuming the media presentation is associated with the movie “Ronin”. A user input serves to “activate” the initial presentation of the user interface (Figure 4; Col 3, Line 66 – Col 4, Line 22).

Claim 154 is rejected wherein the system “further comprises enabling the STT to receive at least one updated portion of the promotional advertising” given that the user is provided with multiple promotional messages or advertisements in connection with the suspended playback content (White et al.: Col 5, Lines 28-32).

14. Claim 135 is rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US Pat No. 6,628,302), in view of the “Movie Trailer Trash” article previously provided as evidence of fact.

In consideration of claim 135, as illustrated in Figure 4 of White et al. the reference displays “promotional advertising . . . provided prior to providing said one of the plurality of rentable video presentations to the user”. The reference, however, is silent as to whether or not the promotion [70] for the movie “Ronin” necessarily “corresponds to a movie trailer”. The existence of promotions or “movie trailers” is notoriously well known in the art, as previously evidenced by the “Movie Trailer Trash” article disclosing the first known usage of “movie trailers” as a form of promotion or advertisement as early as 1912. The article was provided in response to applicant’s traversal of such not being well known or capable of unquestionable showing (see applicant’s response of 26 September 2003). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to particularly utilize “movie trailers” as promotions for the purpose of providing a means by which the user may be enticed to purchase the movie by being presented with a sampling of its contents.

Art Unit: 2614

15. Claim 149 is rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US Pat No. 6,628,302), in view of Blahut et al. (US Pat No. 5,532,735), and in further view of Wang (US Pat No. 6,675,385).

In consideration of claim 149, the White et al. reference does not explicitly disclose nor preclude the particular distribution of the “promotional advertising data” associated with the HTML based user interface “repeatedly over a period of time to the STT” or in a cyclical manner. The Wang reference discloses a method for distributing an HTML interface using a carousel or “repeatedly over a period of time” (Col 2, Lines 9-50). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to distribute the “promotional advertising . . . repeatedly over a period of time to the STT” for the purpose of enabling the distribution and display of a HTML based user interface to resource-deprived set-top boxes (Wang: Col 2, Lines 50-59).

16. Claims 145-148 and 152 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US Pat No. 6,628,302), in view of Blahut et al. (US Pat No. 5,532,735), and in further view of LaJoie et al. (US Pat No. 5,850,218).

In consideration of claims 145, 146, and 152, the White et al. reference discloses that the “promotional advertising data” [70] associated with HTML primitives delivered via the network [16] in accordance with TCP/IP protocols is modulated “received over a first communication channel” and the “on-demand video presentation” is “received over a second communication channel” which is also modulated (White et al.: Col 2, Lines 37-46, 49-52). The reference is unclear as to whether or not the “second type of communication channel . . . is different from said first type of communication channel” such that the “first and second

types of communication channels correspond to different types of data modulation methods”.

In a related art pertaining to interactive video distribution systems, the LaJoie et al. reference discloses that it is known in the art to distribute video over a “second communication channel” using QAM and to further distribute TCP/IP data via a “first communication channel” using QSPK modulation (Col 12, Lines 11-19; Col 12, Line 60 – Col 13, Line 5; Col 13, Line 66 – Col 14, Line 45). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to employ the particular data communication and modulation techniques of LaJoie et al. in connection with the combined references for the purpose of providing a full service television system which supports a number of services (LaJoie et al.: Col 1, Lines 16-54).

In consideration of claims 147 and 148, the White et al. reference discloses that the “promotional advertising data” [70] associated with HTML primitives delivered via the network [16] in accordance with TCP/IP protocols is modulated “received over a second communication channel” and the “on-demand video presentation” is “received over a first communication channel” which is also modulated (White et al.: Col 2, Lines 37-46, 49-52). The reference is unclear as to whether or not the “second type of communication channel . . . is different from said first type of communication channel” such that the “first and second types of communication channels correspond to different types of data modulation methods”. In a related art pertaining to interactive video distribution systems, the LaJoie et al. reference discloses that it is known in the art to distribute video over a “first communication channel” using QAM and to further distribute TCP/IP data via a “second communication channel” using QSPK modulation (Col 12, Lines 11-19; Col 12, Line 60 – Col 13, Line 5; Col 13, Line

Art Unit: 2614

66 – Col 14, Line 45). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to employ the particular data communication and modulation techniques of LaJoie et al. in connection with the combined references for the purpose of providing a full service television system which supports a number of services (LaJoie et al.: Col 1, Lines 16-54).

17. Claim 155 is rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US Pat No. 6,628,302), in view of Blahut et al. (US Pat No. 5,532,735), and in further view of Goldman et al. (US Pub No. 2003/0135853 A1).

In consideration of claim 155, as aforementioned, the White et al. reference discloses the usage of HTML based interfaces that support the ability to present “promotional advertising corresponding to a merchandise advertisement” such that that associated with Coca-Cola™ (Figure 4) as well as the ability to display multiple promotional messages or advertisements (White et al.: Col 5, Lines 28-32). The reference however, is silent with respect to the “updated portion of promotional advertising corresponding to a merchandise advertising tailored for the user of the STT”. In a related art pertaining to interactive video distribution systems and in particular, the Goldman et al. reference discloses that it is known and advantageous to provide “updated portions of promotional advertising corresponding to a merchandise advertisement tailored for the user of the STT” (Goldman et al.: Para. [0007], [0012] – [0015], [0038], and [0040]). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the displayed “promotional advertising” of White et al. such that the “updated portion of promotional advertising corresponding to a merchandise advertising tailored for the user of

Art Unit: 2614

the STT” for the purpose of increasing the ability to provide more effective targeted advertisements of increased interest and value to the subscriber (Goldman et al.: Para. [0011]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Fries (US Pat No. 6,317,885) reference discloses a system and method for the distribution of meta-data through a carousel delivery application.
- The Swix (US Pat No. 6,609,253) reference discloses a system and method for providing interactive media VCR control which alerts a viewer if insufficient time remains to watch the remainder of the movie as a result of trick-play operations.
- The DeLang (US Pat No. 6,020,912) reference discloses a system and method for providing a video-on-demand system which provides for interactive controls based upon subscriber fees.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Scott Beliveau
Examiner
Art Unit 2614

SEB
November 18, 2005